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Subchapter B— Administrative Orders

Notice of January 18, 2008

**Continuation of the National Emergency With Respect to
Terrorists Who Threaten To Disrupt the Middle East Peace
Process**

On January 23, 1995, by Executive Order 12947, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process. On August 20, 1998, by Executive Order 13099, the President modified the Annex to Executive Order 12947 to identify four additional persons, including Usama bin Laden, who threaten to disrupt the Middle East peace process.

Because these terrorist activities continue to threaten the Middle East peace process and to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on January 23, 1995, as expanded on August 20, 1998, and the measures adopted on those dates to deal with that emergency must continue in effect beyond January 23, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.

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This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
January 18, 2008.

Presidential Determination No. 2008–8 of January 22, 2008

Determination on the Proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy, signed at Ankara on July 26, 2000, along with the views, recommendations, and statements of interested agencies.

I approve the proposed Agreement and have determined the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security.

The Secretary of State is authorized to publish this determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, January 22, 2008.

Presidential Determination No. 2008–9 of January 28, 2008

Waiver of Section 1083 of the National Defense Authorization Act for Fiscal Year 2008

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and section 1083(d) of the National Defense Authorization Act for Fiscal Year 2008 (the “Act”), I hereby determine that:

- All provisions of section 1083 of the Act, if applied to Iraq or any agency or instrumentality thereof, may affect Iraq or its agencies or instrumentalities, by exposing Iraq or its agencies or instrumentalities to liability in United States courts and by entangling their assets in litigation.
- The economic security and successful reconstruction of Iraq continue to be top national security priorities of the United States. Section 1083 of the Act threatens those key priorities. If permitted to apply to Iraq, section 1083 would risk the entanglement of substantial Iraqi assets in

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litigation in the United States—including those of the Development Fund for Iraq, the Central Bank of Iraq, and commercial entities in the United States in which Iraq has an interest. Section 1083 also would expose Iraq to new liability of at least several billion dollars by undoing judgments favorable to Iraq, by foreclosing available defenses on which Iraq is relying in pending litigation, and by creating a new Federal cause of action backed by the prospect of punitive damages to support claims that may previously have been foreclosed. If permitted to apply to Iraq, section 1083 would have a significant financial impact on Iraq and would result in the redirection of financial resources from the continued reconstruction of Iraq and the harming of Iraq's stability, contrary to the interests of the United States.

- A waiver of all provisions of section 1083 with respect to Iraq and any agency or instrumentality of Iraq is therefore in the national security interest of the United States and will promote the reconstruction of, the consolidation of democracy in, and the relations of the United States with, Iraq.
- Iraq continues to be a reliable ally of the United States and a partner in combating acts of international terrorism. The November 26, 2007, Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship between the Republic of Iraq and the United States of America confirmed the commitment of the United States and Iraq to build an enduring relationship in the political, diplomatic, economic, and security arenas and to work together to combat all terrorist groups, including al-Qaida.

Accordingly, I hereby waive all provisions of section 1083 of the Act with respect to Iraq and any agency or instrumentality thereof.

You are authorized and directed to notify the Congress of this determination and waiver and the accompanying memorandum of justification, incorporated by reference herein, and to arrange for their publication in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, January 28, 2008.

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MEMORANDUM OF JUSTIFICATION FOR WAIVER OF SECTION 1083 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008 WITH RESPECT TO IRAQ

Section 1083 of the National Defense Authorization Act for Fiscal Year 2008 (the "Act") amends the Foreign Sovereign Immunities Act, which establishes a framework for lawsuits against foreign countries and their agencies and instrumentalities under U.S. law. Immediately upon enactment, Section 1083 would put at risk substantial Iraqi assets in the United States that are crucial to Iraq's recovery efforts -- including the Development Fund for Iraq, the assets of the Central Bank of Iraq held by the Federal Reserve Bank of New York, and assets of Iraqi agencies or instrumentalities used in commercial transactions in the United States. Section 1083 would also expose Iraq to potential new liability by undoing judgments favorable to Iraq, by foreclosing available defenses on which Iraq has relied, and by creating a new Federal cause of action backed by punitive damages. Any and all provisions of section 1083 may adversely affect Iraq or its agencies or instrumentalities, by exposing Iraq or its agencies or instrumentalities to liability in United States courts and by entangling their assets in litigation. Such burdens would undermine the national security and foreign policy interests of the United States, including by weakening the ability of the democratically-elected government of Iraq to use Iraqi funds to promote political and economic progress and further develop its security forces.

Section 1083(d)(1)-(3) of the Act provides that:

(d) Applicability to Iraq-

(1) APPLICABILITY- The President may waive any provision of this section with respect to Iraq, insofar as that provision may, in the President's determination, affect Iraq or any agency or instrumentality thereof, if the President determines that--

(A) the waiver is in the national security interest of the United States;

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(B) the waiver will promote the reconstruction of, the consolidation of democracy in, and the relations of the United States with, Iraq; and
(C) Iraq continues to be a reliable ally of the United States and partner in combating acts of international terrorism.

(2) TEMPORAL SCOPE- The authority under paragraph (1) shall apply--

(A) with respect to aconduct or event occurring before or on the date of the enactment of this Act;

(B) with respect to any conduct or event occurring before or on the date of the exercise of that authority; and

(C) regardless of whether, or the extent to which, the exercise of that authority affects any action filed before, on, or after the date of the exercise of that authority or of the enactment of this Act.

(3) NOTIFICATION TO CONGRESS- A waiver by the President under paragraph (1) shall cease to be effective 30 days after it is made unless the President has notified Congress in writing of the basis for the waiver as determined by the President under paragraph (1).

A waiver of all provisions of section 1083 with respect to Iraq, and all agencies and instrumentalities thereof, is in the national security interest of the United States and will promote the reconstruction of, the consolidation of democracy in, and the relations of the United States with, Iraq. In particular:

- Absent a waiver, section 1083 would have a potentially devastating impact on Iraq's ability to use Iraqi funds to expand and equip the Iraqi Security Forces, which would have serious implications for U.S. troops in the field acting as part of the Multinational Force-Iraq and would harm anti-terrorism and counter-insurgency efforts.
- Application of section 1083 to Iraq or any agency or instrumentality thereof will hurt the interests of the United States by unacceptably interfering with political and economic progress in Iraq that is critically important to bringing U.S. troops home.
- If applied to Iraq or any agency or instrumentality thereof, the provisions of section 1083 would redirect financial

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resources from the continued reconstruction of Iraq and would harm Iraq's stability, contrary to the interests of the United States. A waiver will ensure that Iraqi assets of the Central Bank of Iraq, the government and commercial entities in which Iraq has an interest, remain available to maintain macroeconomic stability in Iraq and support private sector development and trade.

- By providing for the maintenance of macroeconomic stability, the waiver of section 1083 will promote the consolidation of democracy in Iraq.
- Absent a waiver of section 1083, Iraq's ability to finance employment alternatives, vocational training, and job placement programs necessary to promote community reintegration and development efforts contributing to counterterrorism efforts would be harmed.
- By ensuring that Iraq and its agencies and instrumentalities are not subject to litigation or liability pursuant to section 1083, waiver of section 1083 will promote the close relationship between the United States and Iraq.

In addition, Iraq continues to be a reliable ally of the United States and partner in combating acts of international terrorism. The November 26, 2007 Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship between the Republic of Iraq and the United States of America confirmed the commitment of the United States and Iraq to build an enduring relationship in the political, diplomatic, economic, and security arenas and to work together to combat all terrorist groups and international terrorism, including al-Qaida. This Declaration reinforced the crucial actions Iraq is taking against terrorists groups, including al-Qaida.

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Presidential Determination No. 2008–10 of January 29, 2008

Unexpected Urgent Refugee and Migration Needs Related to Africa and the Middle East

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended (22 U.S.C. 2601 and 2603), and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act in an amount not to exceed \$32 million from the United States Emergency Refugee and Migration Assistance Fund for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State, related to humanitarian needs in Africa and in the West Bank and Gaza; and

(2) the functions of the President in relation to this memorandum under 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, January 29, 2008.

Notice of February 5, 2008

Continuation of the National Emergency Blocking Property of Certain Persons Contributing to the Conflict in Cote d’Ivoire

On February 7, 2006, by Executive Order 13396, I declared a national emergency and ordered related measures blocking the property of certain persons contributing to the conflict in Cote d’Ivoire, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in or in relation to Cote d’Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, and has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces leading to fatalities. Because the situation in or in relation to Cote d’Ivoire continues to pose an unusual and extraordinary threat to the national security and

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foreign policy of the United States, the national emergency declared on February 7, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond February 7, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13396.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
February 5, 2008.

Notice of February 6, 2008

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, a national emergency was declared to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Cuban government of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1996 and on subsequent occasions, the Cuban government stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a flotilla or peaceful protest. Since these events, the Cuban government has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. On February 26, 2004, by Proclamation 7757, the scope of the national emergency was expanded in order to deny monetary and material support to the repressive Cuban government, which had taken a series of steps to destabilize relations with the United States, including threatening to abrogate the Migration Accords with the United States and to close the United States Interests Section. Further, Cuba's most senior officials repeatedly asserted that the United States intended to invade Cuba, despite explicit denials from the U.S. Secretaries of State and Defense that such action is planned. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867 as amended and expanded by Proclamation 7757.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
February 6, 2008.

Other Presidential Documents

Presidential Determination No. 2008–11 of February 11, 2008

Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228)

Memorandum for the Secretary of State

Consistent with the authority contained in section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228)(the “Act”), and with reference to the determinations set out in the report to be transmitted to the Congress pursuant to section 603 of that Act regarding non-compliance by the Palestine Liberation Organization and the Palestinian Authority with certain commitments, I hereby impose the sanction set out in section 604(a)(2), “Downgrade in Status of the PLO Office in the United States.” This sanction is imposed for a period of 180 days from the date hereof or until such time as the next report required by section 603 of the Act is transmitted to the Congress, whichever is later. You are authorized and directed to transmit to the appropriate congressional committees the report described in section 603 of the Act.

Furthermore, I hereby determine that it is in the national security interest of the United States to waive that sanction, pursuant to section 604(c) of the Act. This waiver shall be effective for a period of 180 days from the date hereof or until such time as the next report required by section 603 of the Act is transmitted to the Congress, whichever is later.

You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, February 11, 2008.

Presidential Determination No. 2008–12 of February 13, 2008

Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228)

Memorandum for the Secretary of State

Consistent with the authority contained in section 604 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228)(the “Act”), and with reference to the determinations set out in the report to be transmitted to the Congress pursuant to section 603 of that Act regarding non-compliance by the Palestine Liberation Organization and the Palestinian Authority with certain commitments, I hereby impose the sanction set out in section 604(a)(2), “Downgrade in Status of the PLO Office in the United States.” This sanction is imposed for a period of 180 days from the date hereof or until such time as the next report required by section 603 of the Act is transmitted to the Congress, whichever is later. You are authorized

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and directed to transmit to the appropriate congressional committees the report described in section 603 of the Act.

Furthermore, I hereby determine that it is in the national security interest of the United States to waive that sanction, pursuant to section 604(c) of the Act. This waiver shall be effective for a period of 180 days from the date hereof or until such time as the next report required by section 603 of the Act is transmitted to the Congress, whichever is later.

You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, February 13, 2008.

Memorandum of February 14, 2008

Assignment of Function Regarding Medicare Funding

Memorandum for the Secretary of Health and Human Services

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, you are directed to perform the function of the President as described under section 802 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 31 U.S.C. 1105(h) (1)).

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, February 14, 2008.

Presidential Determination No. 2008–13 of February 28, 2008

Waiver of Restriction on Providing Funds to the Palestinian Authority

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 650(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Division J, Public Law 110–161) (the “Act”), I hereby certify that it is important to the national security interests of the United States to waive the provisions of section 650(a) of the Act, in order to provide funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, to the Palestinian Authority.

Other Presidential Documents

You are directed to transmit this determination to the Congress, with a report pursuant to section 650(d) of the Act, and to publish the determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, February 28, 2008.

Notice of March 4, 2008

Continuation of the National Emergency With Respect to Zimbabwe

On March 6, 2003, by Executive Order 13288, I declared a national emergency and blocked the property of persons undermining democratic processes or institutions in Zimbabwe, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions. These actions have contributed to the deliberate breakdown in the rule of law in Zimbabwe, politically motivated violence and intimidation, and political and economic instability in the southern African region. On November 22, 2005, I issued Executive Order 13391 to take additional steps with respect to the national emergency declared in Executive Order 13288 by ordering the blocking of the property of additional persons undermining democratic processes or institutions in Zimbabwe.

Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on March 6, 2003, and the measures adopted on that date and on November 22, 2005, to deal with that emergency, must continue in effect beyond March 6, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,

March 4, 2008.

Title 3—The President

Presidential Determination No. 2008–14 of March 7, 2008

Unexpected Urgent Refugee and Migration Needs Related to Kenya

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended (22 U.S.C. 2601 and 2603), and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act, in an amount not to exceed \$4.9 million from the United States Emergency Refugee and Migration Assistance Fund for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees and Migration of the Department of State, related to humanitarian needs in Kenya and for Kenyan refugees in neighboring countries; and

(2) the functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you, and you may further assign such functions to any of your subordinates, consistent with applicable law.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, March 7, 2008.

Notice of March 11, 2008

Continuation of the National Emergency With Respect to Iran

On March 15, 1995, by Executive Order 12957, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran. On May 6, 1995, the President issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

Because the actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50

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U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, this renewal is distinct from the emergency renewal of November 2007. This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
March 11, 2008.

Presidential Determination No. 2008–15 of March 19, 2008

Eligibility of Kosovo to Receive Defense Articles and Defense Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and defense services to Kosovo will strengthen the security of the United States and promote world peace.

You are authorized and directed to transmit this determination to the Congress and to arrange for the publication of this determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, March 19, 2008.

Presidential Determination No. 2008–16 of March 24, 2008

Determination To Waive Military Coup-Related Provision of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008, With Respect to Pakistan

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 1(b) of Public Law 107–57, as amended, I hereby determine and certify, with respect to Pakistan, that a waiver of section 608 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Consolidated Appropriations Act, 2008, Public Law 110–161; the “Act”):

(a) would facilitate the transition to democratic rule in Pakistan; and

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(b) is important to U.S. efforts to respond to, deter, or prevent acts of international terrorism.

Accordingly, I hereby waive, with respect to Pakistan, section 608 of such Act.

You are authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, March 24, 2008.

Presidential Determination No. 2008–17 of March 28, 2008

Determinations Under Section 1106(a) of the Omnibus Trade and Competitiveness Act of 1988—Ukraine

Memorandum for the United States Trade Representative

Pursuant to section 1106(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2905(a)) (the “Act”), I determine that state trading enterprises account for a significant share of Ukraine’s exports and goods that compete with imports into Ukraine. I further determine that such state trading enterprises unduly burden and restrict, or adversely affect, the foreign trade of the United States or the United States economy, or are likely to result in such burden, restriction, or effect.

Ukraine is seeking to become a member of the World Trade Organization (WTO). The terms and conditions for Ukraine’s accession to the WTO include Ukraine’s commitments that it will ensure that all state trading enterprises will make purchases of goods and services that are not intended for governmental use, and sales in international trade in accordance with commercial considerations (including price, quality, availability, marketability, and transportation) and that U.S. firms will have an adequate opportunity, in conformity with customary practice, to compete for such purchases or sales.

The obligations that Ukraine will assume under the WTO Agreement, including Ukraine’s protocol of accession, meet the requirements of section 1106(b)(2)(A) of the Act (19 U.S.C. 2905(b)(2)(A)), and thus my determinations under section 1106(a) do not require invocation of the nonapplication provisions of the Marrakesh Agreement Establishing the WTO with regard to Ukraine.

You are directed to publish this determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, March 28, 2008.

Other Presidential Documents

Memorandum of March 28, 2008

**Assignment of Functions Under Section 1821(c) of the
Implementing Recommendations of the 9/11 Commission Act
of 2007**

Memorandum for the Secretary of State

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the functions of the President under section 1821(c) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53).

In the performance of your responsibility under this memorandum, you shall, as appropriate, consult the heads of other departments and agencies.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, March 28, 2008.

Memorandum of April 10, 2008

**Designation of the Committee on Technology of the National
Science and Technology Council To Carry Out Certain
Requirements of the America COMPETES Act**

Memorandum for the Director of the Office of Science and Technology Policy

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 1006(e) of the America COMPETES Act (Public Law 110–69) (the “Act”), I hereby designate the Committee on Technology of the National Science and Technology Council to carry out the responsibilities assigned to the Council on Innovation and Competitiveness in section 1006 of the Act.

The Director of the Office of Science and Technology Policy is authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, April 10, 2008.

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Presidential Determination No. 2008–18 of April 10, 2008

Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization Office

Memorandum for the Secretary of State

Pursuant to the authority and conditions contained in section 634(d) of the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Div. J, Public Law 110–161), I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months from the date hereof. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, April 10, 2008.

Presidential Determination No. 2008–19 of May 5, 2008

Proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized to publish this determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, May 5, 2008.

Other Presidential Documents

Memorandum of May 6, 2008

Assignment of Reporting Function Under Subsection 1225(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby assign to you the function of the President under subsection 1225(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, May 6, 2008.

Notice of May 7, 2008

Continuation of the National Emergency Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria

On May 11, 2004, pursuant to my authority under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175), I issued Executive Order 13338, in which I declared a national emergency with respect to the actions of the Government of Syria. To deal with this national emergency, Executive Order 13338 authorized the blocking of property of certain persons and prohibited the exportation or re-exportation of certain goods to Syria. On April 25, 2006, and February 13, 2008, I issued Executive Order 13399 and Executive Order 13460, respectively, to take additional steps with respect to this national emergency.

I took these actions to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of the Government of Syria in supporting terrorism, maintaining its then-existing occupation of Lebanon, pursuing weapons of mass destruction and missile programs including the recent revelation of illicit nuclear cooperation with North Korea, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq.

Because the actions and policies of the Government of Syria continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared

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on May 11, 2004, and the measures adopted on that date and on April 25, 2006, in Executive Order 13399, and on February 13, 2008, in Executive Order 13460, to deal with that emergency, must continue in effect beyond May 11, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or re-exportation of certain goods to Syria.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
May 7, 2008.

Notice of May 16, 2008

Continuation of the National Emergency With Respect to Burma

On May 20, 1997, the President issued Executive Order 13047, certifying to the Congress under section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), that the Government of Burma has engaged in large-scale repression of the democratic opposition in Burma after September 30, 1996, thereby invoking the prohibition on new investment in Burma by United States persons contained in that section. The President also declared a national emergency to deal with the threat posed to the national security and foreign policy of the United States by the actions and policies of the Government of Burma, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*

On July 28, 2003, I issued Executive Order 13310 taking additional steps with respect to that national emergency by putting in place an import ban required by the Burmese Freedom and Democracy Act of 2003 and prohibiting exports of financial services to Burma and the dealing in property in which certain designated Burmese persons have an interest. On October 18, 2007, I issued Executive Order 13448 to expand prohibitions to include the Burmese regime’s financial supporters and their companies, as well as individuals determined to be responsible for or to have participated in human rights abuses or to have engaged in activities facilitating public corruption. On April 30, 2008, I issued Executive Order 13464 taking additional steps with respect to the Government of Burma’s continued repression of the democratic opposition in Burma.

Because the actions and policies of the Government of Burma continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 20, 1997, and expanded on October 18, 2007, and April 30, 2008, and the measures adopted to deal with that emergency, must continue in effect beyond May 20, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the

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national emergency with respect to Burma. This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,

May 16, 2008.

Notice of May 20, 2008

Continuation of the National Emergency With Respect to the Stabilization of Iraq

On May 22, 2003, by Executive Order 13303, I declared a national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (IEEPA). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

In Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, I modified the scope of the national emergency declared in Executive Order 13303 and amended the steps taken pursuant to it.

Because the obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 22, 2003, and the measures adopted on that date, August 28, 2003, July 29, 2004, November 29, 2004, and July 17, 2007, to deal with that emergency must continue in effect beyond May 22, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the stabilization of Iraq.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,

May 20, 2008.

Title 3—The President

Presidential Determination No. 2008–20 of June 4, 2008

Suspension of Limitations Under the Jerusalem Embassy Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the “Act”), I hereby determine that it is necessary, in order to protect the national security interests of the United States, to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our Embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the **Federal Register**.

This suspension shall take effect after transmission of this determination and report to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, June 4, 2008.

Notice of June 6, 2008

Continuation of the National Emergency With Respect to the Actions and Policies of Certain Members of the Government of Belarus and Other Persons Undermining Democratic Processes or Institutions in Belarus

On June 16, 2006, by Executive Order 13405, I declared a national emergency and ordered related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of certain members of the Government of Belarus and other persons that have undermined democratic processes or institutions; committed human rights abuses related to political repression, including detentions and disappearances; and engaged in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority.

Because these actions and policies continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on June 16, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond June 16, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13405.

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This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
June 6, 2008.

Notice of June 18, 2008

Continuation of the National Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Usable Fissile Material in the Territory of the Russian Federation

On June 21, 2000, President Clinton issued Executive Order 13159 (the “order”) blocking property and interests in property of the Government of the Russian Federation that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons that are directly related to the implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the “HEU Agreements”). The HEU Agreements allow for the downblending of highly enriched uranium derived from nuclear weapons to low enriched uranium for peaceful commercial purposes. The order invoked the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation.

The national emergency declared on June 21, 2000, must continue beyond June 21, 2008, to provide continued protection from attachment, judgment, decree, lien, execution, garnishment, or other judicial process for the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and subject to U.S. jurisdiction. Therefore, in accordance with section 202 (d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation. This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
June 18, 2008.

Title 3—The President

Presidential Determination No. 2008–21 of June 20, 2008

Waiving the Prohibition on the Use of Economic Support Funds With Respect to Various Parties to the Rome Statute Establishing the International Criminal Court

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), as carried forward by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), I hereby:

- Determine that it is important to the national interests of the United States to waive the prohibition of aforementioned section 574(a) with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, and Tanzania; and
- Waive the prohibition of aforementioned section 574(a) with respect to these countries.

You are authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, June 20, 2008.

Presidential Determination No. 2008–22 of June 20, 2008

Unexpected Urgent Refugee and Migration Needs Related to Africa, the Middle East, Asia, and the Western Hemisphere

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended, (22 U.S.C. 2601 and 2603), and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act in an amount not to exceed \$32.8 million from the United States Emergency Refugee and Migration Assistance Fund for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations, and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State, related to humanitarian needs in Africa, the Middle East, Asia, and the Western Hemisphere; and

(2) the functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you, and you may further assign such functions to your subordinates, consistent with applicable law.

Other Presidential Documents

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, June 20, 2008.

Notice of June 24, 2008

Continuation of the National Emergency With Respect to the Western Balkans

On June 26, 2001, by Executive Order 13219, I declared a national emergency with respect to the Western Balkans pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. I subsequently amended that order in Executive Order 13304 of May 28, 2003.

Because the actions of persons threatening the peace and international stabilization efforts in the Western Balkans continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on June 26, 2001, and the measures adopted on that date and thereafter to deal with that emergency, must continue in effect beyond June 26, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Western Balkans.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
June 24, 2008.

Memorandum of June 26, 2008

Certification of Rescission of North Korea's Designation as a State Sponsor of Terrorism

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and consistent with section 6(j)(4)(B) of the Export Administration Act of 1979, Public Law 96–72, as amended (50 U.S.C. App.

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2405(j)), and as continued in effect by Executive Order 13222 of August 17, 2001, 66 *FR* 44025, I hereby certify, with respect to the rescission of the determination of January 20, 1988, regarding North Korea that:

- (i) the Government of North Korea has not provided any support for international terrorism during the preceding 6-month period; and
- (ii) the Government of North Korea has provided assurances that it will not support acts of international terrorism in the future.

This certification shall also satisfy the provisions of section 620A(c)(2) of the Foreign Assistance Act of 1961, Public Law 87–195, as amended (22 U.S.C. 2371(c)), and section 40(f)(1)(B) of the Arms Export Control Act, Public Law 90–629, as amended (22 U.S.C. 2780(f)).

You are authorized and directed to report this certification and the attached memorandum justifying the rescission to the Congress and to arrange for the publication of this certification in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, June 26, 2008.

Notice of July 16, 2008

Continuation of the National Emergency With Respect to the Former Liberian Regime of Charles Taylor

On July 22, 2004, by Executive Order 13348, I declared a national emergency and ordered related measures, including the blocking of the property of certain persons connected to the former Liberian regime of Charles Taylor, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, which have undermined Liberia’s transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. I further noted that the Comprehensive Peace Agreement signed on August 18, 2003, and the related cease-fire had not yet been universally implemented throughout Liberia, and that the illicit trade in round logs and timber products was linked to the proliferation of and trafficking in illegal arms, which perpetuated the Liberian conflict and fueled and exacerbated other conflicts throughout West Africa.

The actions and policies of Charles Taylor and others have left a legacy of destruction that continues to undermine Liberia’s transformation and recovery. Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on July 22, 2004, and the measures adopted on that date to deal with that emergency, must continue in effect

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beyond July 22, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13348.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
July 16, 2008.

Notice of July 23, 2008

Continuation of Emergency Regarding Export Control Regulations

On August 17, 2001, consistent with the authority provided to me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I issued Executive Order 13222. In that order, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 17, 2001, must continue in effect beyond August 17, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13222.

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
July 23, 2008.

Presidential Determination No. 2008–23 of July 25, 2008

Emergency Fund Drawdown to Assist Zimbabwean Refugees in South Africa, Botswana, Mozambique, and Zambia

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended (22 U.S.C. 2601 and 2603) and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act, in an amount not to exceed \$2.5 million from the United States Emergency Refugee and

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Migration Assistance Fund, for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State, related to humanitarian needs of Zimbabwean refugees and asylum seekers; and

(2) the functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you, and you may further assign such functions to any of your subordinates, consistent with applicable law.

You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, July 25, 2008.

Notice of July 30, 2008

Continuation of the National Emergency With Respect To the Actions of Certain Persons To Undermine the Sovereignty of Lebanon Or Its Democratic Processes And Institutions

On August 1, 2007, by Executive Order 13441, I declared a national emergency and ordered related measures blocking the property of certain persons undermining the sovereignty of Lebanon or its democratic processes or institutions and certain other persons, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of certain persons to undermine Lebanon’s legitimate and democratically elected government or democratic institutions, to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation, to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty which contributes to political and economic instability in that country and the region.

Because these actions continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on August 1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13441.

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This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
July 30, 2008.

Presidential Determination No. 2008–24 of August 15, 2008

Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Colombia, that (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register* and to notify the Congress of this determination.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, August 15, 2008.

Notice of August 28, 2008

Continuation of the National Emergency With Respect To Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency I declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks at the World Trade Center, New York, New York, the Pentagon, and aboard United Airlines flight 93, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency, must continue in effect beyond September 14, 2008. Therefore, I am continuing in effect for an additional year the national emergency I declared on September 14, 2001, with respect to the terrorist threat.

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This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
August 28, 2008.

Presidential Determination No. 2008–25 of August 28, 2008

Emergency Fund Drawdown to Assist Georgian Victims of Conflict

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended, (22 U.S.C. 2601 and 2603) and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act, in an amount not to exceed \$5.75 million from the United States Emergency Refugee and Migration Assistance Fund, for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State, related to the humanitarian needs of conflict victims and those displaced by recent violence in Georgia.

(2) I hereby assign to you the functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, and you may further assign such functions to your subordinates, consistent with applicable law.

You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, August 28, 2008.

Presidential Determination No. 2008–26 of September 10, 2008

Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India

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Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(B)), I hereby approve the proposed agreement and authorize the Secretary of State to arrange for its execution.

In addition, pursuant to the authority vested in me by the Constitution and the laws of the United States of America, including the Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (Public Law 109-401), I hereby determine that:

1. India has provided the United States and the IAEA with a credible plan to separate civil and military nuclear facilities, materials, and programs, and has filed a declaration regarding its civil facilities and materials with the IAEA;
2. India and the IAEA have concluded all legal steps required prior to signature by the parties of an agreement requiring the application of IAEA safeguards in perpetuity in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors Document GOV/1621 (1973)) to India's civil nuclear facilities, materials, and programs as declared in the plan described in paragraph (1), including materials used in or produced through the use of India's civil nuclear facilities;
3. India and the IAEA are making substantial progress toward concluding an Additional Protocol consistent with IAEA principles, practices, and policies that would apply to India's civil nuclear program;
4. India is working actively with the United States for the early conclusion of a multilateral treaty on the cessation of the production of fissile materials for use in nuclear weapons or other nuclear explosive devices;
5. India is working with and supporting United States and international efforts to prevent the spread of enrichment and reprocessing technology to any state that does not already possess full-scale, functioning enrichment or reprocessing plants;
6. India is taking the necessary steps to secure nuclear and other sensitive materials and technology, including through (A) the enactment and effective enforcement of comprehensive export control legislation and regulations; (B) harmonization of its export control laws, regulations, policies, and practices with the guidelines and practices of the Missile Technology Control Regime (MTCR) and the Nuclear Suppliers Group (NSG); and (C) adherence to the MTCR and the NSG in accordance with the procedures of those regimes for unilateral adherence; and
7. The NSG has decided by consensus to permit supply to India of nuclear items covered by the guidelines of the NSG.

I therefore hereby (1) exempt the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy arranged pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) from the requirement of subsection 123 a.(2) of such section; (2) waive the application of section 128 of the Atomic Energy Act of 1954 (42 U.S.C. 2157) with

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respect to exports to India; and (3) waive with respect to India the application of:

(A) subsection 129 a.(1)(D) of the Atomic Energy Act of 1954 (42 U.S.C. 2158(a)(1)(D)); and

(B) section 129 of the Atomic Energy Act of 1954 (42 U.S.C. 2158) regarding any actions that occurred before July 18, 2005.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, September 10, 2008.

Presidential Determination No. 2008–27 of September 12, 2008

Continuation of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State [and] the Secretary of the Treasury
Under section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination on September 13, 2007 (72 *FR* 53409), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 2008.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to Cuba is in the national interest of the United States.

Therefore, consistent with the authority vested in me by section 101(b) of Public Law 95–223, I continue for 1 year, until September 14, 2009, the exercise of those authorities with respect to Cuba as implemented by the Cuban Assets Control Regulations, 31 C.F.R. Part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, September 12, 2008.

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Presidential Determination No. 2008–28 of September 15, 2008

Major Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2009

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, and Venezuela.

A country's presence on the Majors List is not necessarily an adverse reflection of its government's counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons that major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government's most assiduous enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Attached to this report are justifications for the determinations on Bolivia, Burma, and Venezuela, as required by section 706(2)(B). I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid Venezuela's democratic institutions and continued support for bilateral programs in Bolivia are vital to the national interests of the United States.

Under the leadership of President Karzai, the Government of Afghanistan has made some progress in combating narcotics. However, drug trafficking remains a serious threat to the future of Afghanistan, contributing to widespread public corruption, damaging legitimate economic growth, and fueling violence and insurgency.

A successful counternarcotics strategy in Afghanistan hinges on maintaining security, building public capacity, attaining local support, and actively pursuing our joint counternarcotics strategy.

Poppy cultivation continues to be marked by the divide between the increasingly poppy-free northern provinces and the insurgency-dominated regions in the south. Through political will, and by using a mixture of incentives and disincentives, governors in key northern provinces like Badakshan and Nangarhar have significantly reduced poppy cultivation.

Inspired by the Nangarhar model, the newly appointed governor of the southern province of Helmand has taken bold steps to implement the first truly serious counternarcotics campaign in the province. It is clear that progress in Helmand Province will not come easily. Drug control efforts in

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this area of pronounced poppy cultivation are thwarted by heavily entrenched Taliban centers of power. In 2007 Helmand Province cultivated more than half of Afghanistan's illegal poppy crop.

Difficult security conditions greatly impede counternarcotics operations, particularly in the south and southwest provinces, areas in which the insurgency and organized crime groups predominate and where over 85 percent of Afghan poppy is cultivated.

Drug-related corruption in Afghanistan—one of the most intransigent problems in the country—must be confronted, particularly at provincial and district government levels. Corruption and illegal drugs in Afghanistan threaten to undermine all aspects of the country's efforts to build a sustainable economic infrastructure and functioning democracy.

The United States enjoys close cooperation with Canada across a broad range of law enforcement issues. Both of our nations face a serious challenge from the 2-way flow of drugs across our long border. While Canada is primarily a drug consuming country, it is also a significant producer of highly potent marijuana and has become the primary source country for MDMA (ecstasy) available in the United States. Additionally, Canada serves as a transit or diversion point for precursor chemicals and over-the-counter pharmaceuticals used to produce illicit synthetic drugs, most notably MDMA. While methamphetamine use has decreased in the United States, due in large part to past efforts to reduce precursor chemical diversion by Canadian authorities, production of finished methamphetamine is increasing in Canada and could lead to greater supplies in the United States. Canada is pursuing a new National Anti-Drug Strategy that focuses on proven approaches to reduce drug use and deter drug trafficking. The United States and Canada continue to work productively in joint law enforcement operations that disrupt drug and currency smuggling operations along the border.

The growing expansion of drug trafficking in Central America poses serious challenges to the region's limited capability to combat both the narcotics trade and organized crime. We are particularly concerned about the increasing presence of drug trafficking organizations in Central America that are fleeing more robust counternarcotics regimes elsewhere, especially in Mexico and Colombia. Often unimpeded, traffickers use long Central American coastlines for illegal maritime drug shipments. Even though there have been noteworthy seizures, a high proportion of drugs transiting Central America are not detected or seized.

The March 2008 gun battle between drug organizations in Guatemala demonstrates that criminal organizations such as the Sinaloa cartel are trying to reinforce their trafficking strongholds in Central America. In 2008, Guatemala passed new anti-organized crime and extradition laws. While such actions are encouraging, Guatemala must work aggressively to implement these measures, just as neighboring countries must redouble their practical efforts to implement adopted reforms aimed at thwarting criminal activity.

The United States is encouraged by the commitment of the Regional Integration System to a regional response, such as sharing counternarcotics intelligence. Support for cohesive regional institution-building and practical law enforcement enhancements in Central America are critical components

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to a successful regional counternarcotics strategy. We look forward to working with Guatemala and other Central American nations to support counternarcotics programs and the rule of law under the new Merida Initiative.

The Government of Ecuador is committed to protecting its borders and territory against drug trafficking and other transnational crimes. The increased presence of Ecuadorian security forces in its counternarcotics efforts provided a more effective deterrent to drug production and trafficking. The identification of new trafficking trends and increased staffing and inspection at all air, land, and sea ports are also helping to hinder drug trafficking. With a system for tracking vessels already in place, Ecuador is expanding this capability and more effectively utilizing it as a tool for working with partner nations. The country's ability to identify the nationality of ships is of special concern as considerable cocaine destined for the United States has been detected on Ecuadorian-flagged vessels.

The countries of West Africa have emerged as key transit hubs for Andean cocaine trafficked through Venezuela and Brazil and destined for European markets. This trafficking is undermining many of the already fragile institutions of countries in the region. Narcotics traffickers have focused their illegal activities in Guinea-Bissau, but have recently extended their operations south to Guinea. The presence of Latin American drug traffickers and the large quantities of cocaine trafficked openly suggest that drug criminals may exercise the prerogatives of sovereign nation-states in these two countries. West Africa has long been a hub for illicit criminal networks. West African states lack resources to sufficiently counter efforts by drug trafficking organizations whose activity threatens the stability of these countries and the well-being of their people.

International donors and organizations are working to assist governments in their counternarcotic efforts. We support these efforts to preserve and protect stability and positive growth in this region.

Nigeria, a major transit country for illicit drugs destined for the United States, continues to make some progress on counternarcotics and has cooperated effectively with the United States on drug-related money laundering cases. Since it began operations in 2005, the Nigerian Financial Intelligence Unit has investigated numerous suspicious transaction reports that have resulted in high-profile convictions recorded by the Economic and Financial Crimes Commission (EFCC). However, recent developments in Nigeria raise questions about whether the EFCC will remain an effective anticorruption agency. The United States Government has had extradition requests pending in Nigeria for years and is concerned that Nigeria's extradition practices and procedures remain obstacles to the effectiveness of this essential counternarcotics law enforcement tool. We are encouraged that Nigeria's use of U.S.-donated body scanners at its four major international airports has resulted in the arrest of numerous drug traffickers. Moreover, we fully support the National Drug Law Enforcement Agency's recent cooperation in regional search and seizure operations.

The Government of India maintains a strong track record of regulating, monitoring, and curbing its licit opium production and distribution process. India has introduced robust, high-tech methods to control cultivation by licensed opium farmers. In this sense, India must continue to refine its control measures to guard against the continuing problem of diversion of licit opium crops, grown for the production of pharmaceutical products, to

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illegal markets. The United States continues to be concerned about illicit opium poppy production in certain areas of the country, such as West Bengal and the state of Uttaranchal along the India-China Border, previously thought to be free of such cultivation. Nevertheless, during the past year the country has destroyed substantial areas of illicit poppy cultivation. The Indian Government must also continue to investigate cases of large, illicit poppy production and accordingly bring perpetrators to trial. The United States, along with other foreign governments and international organizations, has a good working relationship with India to interdict the flow of narcotics being smuggled across India's borders.

You are hereby authorized and directed to submit this report under section 706 of the FRAA, transmit it to the Congress, and publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, September 15, 2008.

Memorandum of September 18, 2008

Designation of Officers of the Council on Environmental Quality to Act as Chairman of the Council on Environmental Quality

Memorandum for the Chairman of the Council on Environmental Quality

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Council on Environmental Quality in the order listed, shall act as and perform the functions and duties of the office of the Chairman of the Council on Environmental Quality (Chairman), during any period in which the Chairman has died, resigned, or otherwise become unable to perform the functions and duties of the office of Chairman until such time as the Chairman is able to perform the functions and duties of that office:

- (a) Chief of Staff;
- (b) General Counsel; and
- (c) Associate Directors in the order that they shall have been appointed as such.

Sec. 2. Exceptions.

- (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the Chairman pursuant to this memorandum.
- (b) No individual listed in section 1 shall act as Chairman unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

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(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Chairman.

Sec. 3. *Judicial Review.* This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 4. You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, September 18, 2008.

Notice of September 18, 2008

Continuation of the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, I declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks against United States nationals or the United States. Because the actions of these persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the United States, the national emergency declared on September 23, 2001, and the measures adopted on that date to deal with that emergency, must continue in effect beyond September 23, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
September 18, 2008.

Title 3—The President

Memorandum of September 25, 2008

Assignment of Function Under Section 203(e)(2)(A) of the Andean Trade Preference Act, As Amended

Memorandum for the United States Trade Representative

I propose to suspend Bolivia's designation as a beneficiary country under the Andean Trade Preference Act, as amended (the "Act"), and as an Andean Trade Promotion and Drug Eradication Act beneficiary country.

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code and the Act, you are hereby assigned the function vested in me by section 203(e)(2)(A) of the Act (19 U.S.C. 3202(e)(2)(A)), to publish a notice in the **Federal Register** announcing the proposed action set forth above.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, September 25, 2008.

Presidential Determination No. 2008–29 of September 30, 2008

Fiscal Year 2009 Refugee Admissions Numbers And Authorizations of In-country Refugee Status Pursuant To Sections 207 And 101(A)(42), Respectively, of the Immigration And Nationality Act, And Determination Pursuant To Section 2(B)(2) of the Migration And Refugee Assistance Act, As Amended

Memorandum for the Secretary of State [and] the Secretary of Homeland Security

In accordance with section 207 of the Immigration and Nationality Act (the "Act") (8 U.S.C. 1157), as amended, and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 80,000 refugees to the United States during Fiscal Year(FY) 2009 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 2009 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below. The ceiling shall be construed as a maximum not to be exceeded and not a minimum to be achieved.

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The 80,000 admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided, however, that the number of admissions allocated to the East Asia region shall include persons admitted to the United States during FY 2009 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100-202 (Amerasian immigrants and their family members):

Africa	12,000
East Asia	19,000
Europe and Central Asia	2,500
Latin America/Caribbean	4,500
Near East/South Asia	37,000
Unallocated Reserve	5,000

The 5,000 unallocated refugee numbers shall be allocated to regional ceilings, as needed. Upon providing notification to the Judiciary Committees of the Congress, the Secretary of State is hereby authorized to use unallocated admissions in regions where the need for additional admissions arises.

Additionally, upon notification to the Judiciary Committees of the Congress, the Secretary of State is further authorized to transfer unused admissions allocated to a particular region to one or more other regions, if there is a need for greater admissions for the region or regions to which the admissions are being transferred. Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2009, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Vietnam
- b. Persons in Cuba
- c. Persons in the former Soviet Union
- d. Persons in Iraq
- e. In exceptional circumstances, persons identified by a United States Embassy in any location

The Secretary of State is authorized and directed to report this determination to the Congress immediately and to publish it in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, September 30, 2008.

Title 3—The President

Memorandum of October 3, 2008

Designation of Officers of the Office of the Director of National Intelligence to Act as Director of National Intelligence

Memorandum for the Director of National Intelligence

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*,

it is hereby ordered that:

Section 1. Subject to the provisions of sections 2 and 3 of this memorandum, the following officers of the office of the Director of National Intelligence, in the order listed, shall act as and perform the functions and duties of the office of the Director of National Intelligence (DNI), during any period in which the DNI and the Principal Deputy Director of National Intelligence have died, resigned, or otherwise become unable to perform the functions and duties of the office of the DNI, until such time as the DNI or the Principal Deputy Director is able to perform the functions and duties of the office of DNI:

- (a) Director of the Intelligence Staff;
- (b) Deputy Director of National Intelligence for Policy, Plans, and Requirements;
- (c) Deputy Director of National Intelligence for Analysis;
- (d) Deputy Director of National Intelligence for Collection;
- (e) Director of the National Counterterrorism Center; and
- (f) National Counterintelligence Executive.

Sec. 2. *National Security Act of 1947.* This memorandum shall not supersede the authority of the Principal Deputy Director of National Intelligence to act for, and exercise the powers of, the Director of National Intelligence during the absence or disability of the Director of National Intelligence or during a vacancy in the position of Director of National Intelligence (National Security Act of 1947, as amended, 50 U.S.C. 403–3a).

Sec. 3. *Exceptions.* (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as DNI pursuant to this memorandum.

(b) No individual listed in section 1 shall act as DNI unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting DNI.

Sec. 4. This memorandum supersedes the President's memorandum of December 20, 2005 (Designation of Officers of the Office of the Director of National Intelligence to Act as Director of National Intelligence).

Sec. 5. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any

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right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 6. You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, October 3, 2008.

Presidential Determination No. 2009–1 of October 3, 2008

Unexpected Urgent Humanitarian Needs Related to Pakistan, Afghanistan, and Georgia

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended, (22 U.S.C. 2601 and 2603) and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act, in an amount not to exceed \$8.3 million from the United States Emergency Refugee and Migration Assistance Fund, for the purpose of meeting unexpected and urgent refugee and migration needs in Pakistan and Afghanistan resulting from intensified armed conflict and flooding, and in Georgia due to recent violence, including by contributions to international, governmental, and nongovernmental organizations, and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State; and

(2) The functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you, and you may further assign such functions to your subordinates, consistent with applicable law.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, October 3, 2008.

Title 3—The President

Presidential Determination No. 2009–2 of October 6, 2008

Waiver of Restriction on Providing Funds to the Palestinian Authority

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 650(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Division J, Public Law 110–161) (the “Act”), as carried forward under section 1417 of the Supplemental Appropriations Act, 2008 (Public Law 110–252) (the “Supplemental”), I hereby certify that it is important to the national security interests of the United States to waive the provisions of section 650(a) of the Act, as carried forward under the Supplemental, in order to provide funds appropriated for fiscal year 2009 under the heading Economic Support Funds to the Palestinian Authority.

You are directed to transmit this determination to the Congress, with a report pursuant to section 650(d) of the Act, as carried forward under the Supplemental, and to publish the determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, October 6, 2008.

Presidential Determination No. 2009–3 of October 9, 2008

Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization Office

Memorandum for the Secretary of State

Pursuant to the authority and conditions contained in section 634(d) of the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (Division J, Public Law 110–161), as carried forward by the Continuing Appropriations Resolution, 2009 (Division A, Public Law 110–329), I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months from the date hereof. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, October 9, 2008.

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Presidential Determination No. 2009–4 of October 15, 2008

Provision of U.S. Drug Interdiction Assistance to the Government of Brazil

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Brazil, that (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country’s airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register* and to notify the Congress of this determination.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, October 15, 2008.

Notice of October 16, 2008

Continuation of the National Emergency With Respect To Significant Narcotics Traffickers Centered in Colombia

On October 21, 1995, by Executive Order 12978, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the extreme level of violence, corruption, and harm such actions cause in the United States and abroad.

Because the actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to significant narcotics traffickers centered in Colombia. This

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notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
October 16, 2008.

Memorandum of October 17, 2008

Designation of Officers of the Social Security Administration to Act as the Commissioner of Social Security

Memorandum for the Commissioner of Social Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Social Security Administration, in the order listed, shall act as and perform the functions and duties of the office of the Commissioner of Social Security (Commissioner), during any period in which both the Commissioner and Deputy Commissioner have died, resigned, or become otherwise unable to perform the functions and duties of the office of the Commissioner, until such time as the Commissioner or Deputy Commissioner are able to perform the duties of that office:

- (a) Chief of Staff;
- (b) Deputy Commissioner for Operations;
- (c) Deputy Commissioner for Budget, Finance and Management;
- (d) Deputy Commissioner for Systems;
- (e) Deputy Commissioner for Quality Performance;
- (f) Regional Commissioner, Atlanta; and
- (g) Regional Commissioner, Dallas.

Sec. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Commissioner pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Commissioner unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains the discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Commissioner.

Sec. 3. This memorandum supersedes the President's Memorandum of April 17, 2006 (Designation of Officers of the Social Security Administration).

Sec. 4. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any

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right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 5. You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, October 17, 2008.

Presidential Determination No. 2009–5 of October 17, 2008

Presidential Determination With Respect To Foreign Governments' Efforts Regarding Trafficking In Persons

Memorandum for the Secretary of State

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106–386), as amended, (the “Act”), I hereby:

Make the determination provided in section 110(d)(1)(A)(i) of the Act, with respect to Burma, the Democratic People’s Republic of Korea (DPRK), and Syria, not to provide certain funding for those countries’ governments for Fiscal Year 2009, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

- Make the determination provided in section 110(d)(1)(A)(ii) of the Act, with respect to Cuba and Iran not to provide certain funding for those countries’ governments for Fiscal Year 2009, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;
- Make the determination provided in section 110(d)(3) of the Act, concerning the determination of the Secretary of State with respect to Moldova and Oman;
- Determine, consistent with section 110(d)(4) of the Act, with respect to Algeria, Fiji, Kuwait, Papua New Guinea, Qatar, Saudi Arabia, and Sudan, that provision to these countries’ governments of all programs, projects, or activities of assistance described in sections 110(d) (1)(A)(i) and 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

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- Determine, consistent with section 110(d)(4) of the Act, with respect to the DPRK, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act that support the goals of the Six-Party talks would promote the purposes of the Act or is otherwise in the national interest of the United States; and
- Determine, consistent with section 110(d)(4) of the Act, with respect to Iran, that a partial waiver to allow funding for educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States.

You are hereby authorized and directed to submit this determination and the certification required by section 110(e) of the Act to the Congress and to publish this determination in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, October 17, 2008.

Presidential Determination No. 2009–6 of October 20, 2008

Certifications Pursuant to the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act (Public Law 110–369)

Memorandum for the Secretary of State

Pursuant to section 102(c) and section 204(a) of the United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act, I hereby certify that:

1. Entry into force and implementation of the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy pursuant to its terms is consistent with the obligation of the United States under the Treaty on the Non-Proliferation of Nuclear Weapons not in any way to assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and
2. It is the policy of the United States to work with members of the Nuclear Suppliers Group, individually and collectively, to agree to further restrict the transfers of equipment and technology related to the enrichment of uranium and reprocessing of spent nuclear fuel.

You are authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, October 20, 2008.

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Notice of October 22, 2008

Continuation of the National Emergency With Respect to the Situation in or in Relation to the Democratic Republic of the Congo

On October 27, 2006, by Executive Order 13413, I declared a national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), ordered related measures blocking the property of certain persons contributing to the conflict in that country. I took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability.

Because this situation continues to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on October 27, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond October 27, 2008. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13413.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,

October 22, 2008.

Notice of October 30, 2008

Continuation of the National Emergency with Respect to the Situation in or in Relation to Sudan

On November 3, 1997, by Executive Order 13067, a national emergency was declared with respect to Sudan, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Sudan. On April 26, 2006, in Executive Order 13400, I determined that the conflict in Sudan's Darfur region posed an unusual and extraordinary threat to the national security and foreign policy of the United States, expanded the scope of the national emergency to deal with that threat, and ordered the blocking of property of certain persons connected to the conflict. On October 13, 2006, I issued Executive Order 13412 to take additional steps with respect to the national emergency and to implement the Darfur Peace and Accountability Act of 2006 (Public Law 109–344).

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Because the actions and policies of the Government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on November 3, 1997, as expanded on April 26, 2006, must continue in effect beyond November 3, 2008. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Sudan.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,

October 30, 2008.

Memorandum of October 31, 2008

Assignment of Functions Under Section 1265 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)

Memorandum for the Secretary of State

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the reporting function conferred upon the President by section 1265 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, October 31, 2008.

Notice of November 10, 2008

Continuation of the National Emergency with Respect to Iran

On November 14, 1979, by Executive Order 12170, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security, foreign policy,

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and economy of the United States constituted by the situation in Iran. Because our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 2008. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year this national emergency with respect to Iran.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
November 10, 2008.

Notice of November 10, 2008

Continuation of National Emergency with Respect to Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, the President issued Executive Order 13094 amending Executive Order 12938 to respond more effectively to the worldwide threat of weapons of mass destruction proliferation activities. On June 28, 2005, I issued Executive Order 13382 that, *inter alia*, further amended Executive Order 12938 to improve our ability to combat proliferation. The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; therefore, the national emergency first declared on November 14, 1994, and extended in each subsequent year, must continue. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
November 10, 2008.

Title 3—The President

Presidential Determination No. 2009–7 of November 14, 2008

Proposed Agreement for Cooperation Between the Government of the United States of America And the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized and directed to publish this determination in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, November 14, 2008.

Memorandum of November 25, 2008

Provision of Marine War Risk Insurance Coverage

Memorandum for the Secretary of State[,] the Secretary of Transportation [and] the Director of the Office of Management And Budget

By virtue of the authority vested in me by the Constitution and laws of the United States, including 3 U.S.C. 301 and 46 U.S.C. chapter 539, I hereby approve the provision by the Secretary of Transportation of insurance or reinsurance of vessels (including cargo and crew) against loss or damage from war risks in the manner and to the extent provided in chapter 539 of title 46, United States Code, for trade in the Black Sea, whenever, after consultation with the Secretary of State, it appears to the Secretary of Transportation that such insurance adequate for the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do insurance business in a State of the United States. To the extent individual policies involve an exposure in excess of the amounts available in the War Risk Revolving Fund, such policies may be issued only after consultation with the Office of Management and Budget. This approval to provide insurance or reinsurance is effective for 90 days, except that existing policies shall remain in force pursuant to the terms of these policies. I hereby delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 46 U.S.C. 53902 and 53905.

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The Secretary of Transportation is directed to bring the approval to the immediate attention of all U.S.-flag vessel operators and to arrange for its publication in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, November 25, 2008.

Presidential Determination No. 2009–8 of December 4, 2008

Suspension of Limitations Under the Jerusalem Embassy Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the “Act”), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the *Federal Register*.

This suspension shall take effect after transmission of this determination and report to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 4, 2008.

Memorandum of December 9, 2008

Designation of Officers of the Pension Benefit Guaranty Corporation To Act As Director of the Pension Benefit Guaranty Corporation

Memorandum for the Director of the Pension Benefit Guaranty Corporation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Pension Benefit Guaranty Corporation, in the order listed, shall act as and perform the functions and duties of the office of the Director of the Pension Benefit Guaranty Corporation (Director), during any period in which the Director has died, resigned,

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or otherwise become unable to perform the functions and duties of the office of Director, until such time as the Director is able to perform the functions and duties of that office:

- (a) Deputy Director for Operations;
- (b) Chief Management Officer;
- (c) Chief Operating Officer; and
- (d) General Counsel.

Sec. 2. Exceptions. a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the Director pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Director unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Director.

Sec. 3. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 4. You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 9, 2008.

Memorandum of December 9, 2008

Designation of Officers of the United States Agency for International Development To Act As Administrator

Memorandum for the Administrator of the United States Agency for International Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the Assistant Administrators for the Bureaus, in the order in which they were appointed as an Assistant Administrator, shall act as and perform the functions and duties of the office of the Administrator (Administrator), during any period in which the Administrator and the Deputy Administrator have died, resigned, or otherwise become unable

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to perform the functions and duties of the office of Administrator, until such time as the Administrator or Deputy Administrator are able to perform the functions and duties of that office:

- (a) Bureau for Africa;
- (b) Bureau for Asia;
- (c) Bureau for Democracy, Conflict, and Humanitarian Assistance;
- (d) Bureau for Economic Growth, Agriculture, and Trade;
- (e) Bureau for Europe and Eurasia;
- (f) Bureau for Global Health;
- (g) Bureau for Latin America and the Caribbean;
- (h) Bureau for Legislative and Public Affairs;
- (i) Bureau for Management; and
- (j) Bureau for the Middle East.

Sec. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as the Administrator pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Administrator unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Administrator.

Sec. 3. This memorandum supersedes the President's memorandum of July 10, 2002, (Designation of Officers of the United States Agency for International Development to Act as Administrator).

Sec. 4. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 5. You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 9, 2008.

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Presidential Determination No. 2009–9 of December 18, 2008

Unexpected Urgent Humanitarian Needs Related to the Democratic Republic of Congo, Rwanda, and Uganda

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including sections 2 and 4(a)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended, (22 U.S.C. 2601 and 2603) and section 301 of title 3, United States Code:

(1) I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act in an amount not to exceed \$6 million from the United States Emergency Refugee and Migration Assistance Fund, for the purpose of meeting unexpected and urgent refugee and migration needs related to humanitarian needs of Congolese refugees and internally displaced, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State; and

(2) The functions of the President in relation to this memorandum under section 2(d) of the Act, and of establishing terms and conditions under section 2(c)(1) of the Act, are assigned to you, and you may further assign such functions to your subordinates, consistent with applicable law.

You are authorized and directed to publish this memorandum in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 18, 2008.

Memorandum of December 23, 2008

Provision of Aviation Insurance Coverage for Commercial Air Carrier Service in Domestic and International Operations

Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and laws of the United States including 49 U.S.C. 44302, *et seq.*, I hereby:

1. Determine that continuation of U.S.-flag commercial air service is necessary in the interest of air commerce, national security, and the foreign policy of the United States.

2. Approve provision by the Secretary of Transportation (Secretary) of insurance or reinsurance to U.S.-flag air carriers against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in chapter 443 of 49 U.S.C.:

(a) Until March 31, 2009;

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(b) After March 31, 2009, but no later than August 31, 2009, when the Secretary determines that such insurance or reinsurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States.

3. Delegate to the Secretary the authority, vested in me by 49 U.S.C. 44306(c), to extend this determination for additional periods beyond March 31, 2009, but no later than August 31, 2009, when the Secretary finds that the continued operation of aircraft to be insured or reinsured is necessary in the interest of air commerce or the national security, or to carry out the foreign policy of the United States Government.

You are directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(2), and to arrange for its publication in the *Federal Register*.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, December 23, 2008.